

DAVID A. ROSENFELD, Bar No. 058163
CONCEPCIÓN E. LOZANO-BATISTA, Bar No. 227227
WEINBERG, ROGER & ROSENFELD
A Professional Corporation
1001 Marina Village Parkway, Suite 200
Alameda, California 94501-1091
Telephone 510.337.1001
Fax 510.337.1023

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PAINTERS DISTRICT COUNCIL NO. 16,) No. CV 07-06334 MMC
CARPET, LINOLEUM & SOFT TILE)
WORKERS LOCAL UNION NO. 12,)
)
Plaintiff/Petitioner,) [PROPOSED] DEFAULT JUDGMENT
)
v.)
) Date: May 2, 2008
NEW BEGINNINGS FLOORS,) Time: 9:00 a.m.
) Judge: Maxine M. Chesney
Defendant/Respondent.) Courtroom: 7, 19 th Floor
)
)

This matter came on for hearing for entry of Judgment by Default against Defendant NEW BEGINNINGS FLOORS, on May 2, 2008. Plaintiffs PAINTERS DISTRICT COUNCIL NO. 16, CARPET, LINOLEUM & SOFT TILE WORKERS LOCAL UNION NO. 12 were represented by Concepción E. Lozano-Batista of Weinberg, Roger & Rosenfeld; Defendants [were represented by _____/made no appearance]. Having considered the pleadings and

arguments in this matter, and good cause appearing, this Court **FINDS AS FOLLOWS:**

1. The Petition in this matter was filed with this Court on December 13, 2007.
2. Defendant was duly served with process in this matter on December 24, 2007;
3. That no answer or other responsive pleadings having been filed within the time permitted by law, default was entered against the Defendants on January 29, 2008;

1 4. The Court finds the allegations in the Complaint on file herein are true including the
2 fact that Defendants have been bound to a written Collective Bargaining Agreement with Plaintiffs,
3 a labor organization within the meaning of LMRA §301, 29 U.S.C. §152. By virtue of becoming
4 bound to the Collective Bargaining Agreement, Defendant became subject to all the terms and
5 conditions referred to in the Complaint; and

6 5. That Defendant has failed, neglected or refused to submit to respond to the
7 grievance filed by Plaintiffs on June 19, 2007 as requested by Plaintiffs pursuant to said Collective
8 Bargaining Agreement.

9 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT** Judgment be
10 entered in favor of Plaintiffs and against Defendants as follows:

11 1. The Court issues an injunction directing Defendant New Beginnings Floors to final
12 and binding arbitration pursuant to Article 23 of the Collective Bargaining Agreement between the
13 parties based on the grievance filed by Plaintiffs on June 19, 2007 over Defendant's failure to pay
14 employees properly;

15 2. Defendant is ordered to pay Plaintiffs' attorneys' fees in the amount of: \$4,247.50;

16 3. Defendant is ordered to pay Plaintiffs' costs in the amount of: \$460.00; and

17 4. This Court shall retain jurisdiction of this matter to enforce the Order directing
18 Defendant New Beginnings Floors to final and binding arbitration.

19
20 DATED: _____
21

22 _____
HONORABLE MAXINE M. CHESNEY
JUDGE OF THE DISTRICT COURT
23

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PROOF OF SERVICE

I am a citizen of the United States and an employee in the County of Alameda, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 1001 Marina Village Parkway, Suite 200, Alameda, California 94501-1091. On March 25, 2008, I served upon the following parties in this action:

New Beginning Floors
Terry Majors, Owner
655 Wildrose Way
Brentwood, CA 94513

copies of the document(s) described as:

[PROPOSED] DEFAULT JUDGMENT

[X] BY MAIL I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Alameda, California. I am readily familiar with the practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection.

[] BY PERSONAL SERVICE I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and caused the same to be delivered by hand to the offices of each addressee.

[] BY OVERNIGHT DELIVERY SERVICE I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and placed the same for collection by Overnight Delivery Service by following the ordinary business practices of Weinberg, Roger & Rosenfeld, Alameda, California. I am readily familiar with the practice of Weinberg, Roger & Rosenfeld for collection and processing of Overnight Delivery Service correspondence, said practice being that in the ordinary course of business, Overnight Delivery Service correspondence is deposited at the Overnight Delivery Service offices for next day delivery the same day as Overnight Delivery Service correspondence is placed for collection.

[] BY FACSIMILE I caused to be transmitted each document listed herein via the fax number(s) listed above or on the attached service list.

I certify under penalty of perjury that the above is true and correct. Executed at Alameda, California, on March 25, 2008.

/s/_____
Karen Scott